

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

ANDREA CONSTAND, :
Plaintiff : CIVIL ACTION
v. :
: NO. 05-CV-05-CV-1099
:
WILLIAM H. COSBY, JR., :
Defendant : JURY TRIAL DEMANDED

**PLAINTIFF'S MOTION TO COMPEL
SPECIFIC RESPONSES AND TO STRIKE OBJECTIONS
TO PLAINTIFF'S SECOND SET OF INTERROGATORIES**

Plaintiff served Defendant with her second set of interrogatories on March 27, 2006.

Defendant's responses were due on April 26, 2006. When timely responses were not served, Plaintiff requested responses from Defendant's counsel on May 8, 2006, and again on May 15, 2006 (attached hereto as Exhibit "A"). Defendant's responses were not received until May 19, 2006, and contained objections. Defendant's objections are untimely. Further, Defendant has refused to respond to an interrogatory which would provide critical, relevant information to Plaintiff. Therefore, Plaintiff moves herein to compel a specific response.

Interrogatory No. 12 and Defendant's response to it are as follow:

Provide each of the telephone numbers and respective telephone services (e.g., Sprint, Verizon) you contracted with or utilized for the telephone calls you made to Plaintiff and/or her mother during the period from the date you met Plaintiff through January, 2005.

Answer to Interrogatory No. 12:

Defendant objects to this interrogatory on the grounds set forth in his General Objections. Defendant further objects to this Interrogatory on the ground that it seeks information that is not relevant to the claims and defenses in this action. Defendant further objects to this interrogatory on the ground that it is overly broad and unduly burdensome. Defendant further

objects to this interrogatory because it seeks information already in Plaintiff's possession.

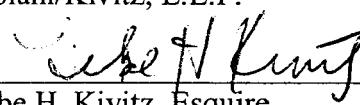
First, Defendant objects to providing the very information he himself seeks from Plaintiff. See, Defendant's Motion to Issue International Letters of Request, filed April 12, 2006. Not only are Defendant's respective telephone services and numbers relevant to establishing phone calls that he made to Plaintiff, he has sought the same information from her, and has thus conceded the relevance of the inquiry. Second, Defendant's objections were not received until May 19, 2006, more than thirty (30) days after the date he was served with Plaintiff's Interrogatories, nor was there any court order or agreement between counsel allowing an extension of time. To the contrary, Plaintiff's counsel had twice requested responses. See, Exhibit "A". Thus, any objections are untimely, and should be stricken. F.R.C.P. 33(3), (4).

Most important, the information Plaintiff seeks is critical to establish the phone calls Defendant initiated to Plaintiff, including the telephone call he made to Plaintiff offering her financial compensation -- at a time when he did not realize that she had already reported the sexual assault to the Toronto Police Department. Plaintiff is also entitled to establish the pattern of additional phone calls Defendant initiated to Plaintiff during the course of their friendship.

For all of the above reasons, Plaintiff requests that Defendant's Objections to Plaintiff's Second Set of Interrogatories be stricken, and Defendant be ordered to respond in full to Plaintiff's Interrogatory No. 12.

Respectfully submitted,

Troiani/Kivitz, L.L.P.



Bebe H. Kivitz, Esquire
Attorney I.D. No. 30253

Dolores M. Troiani, Esquire
Attorney I.D. No.I.D. No. 21283
38 North Waterloo Road
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(610) 688-8400 (610) 688-8426 fax
Attorneys for Plaintiff, Andrea Constand

Dated: May 22, 2006

Exhibit A

TROIANI/KIVITZ, L.L.P.

ATTORNEYS AT LAW

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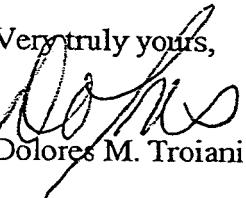
May 8, 2006

Patrick J. O'Connor, Esquire
Cozen O'Connor
1900 Market Street
Philadelphia, PA 19103

RE: Constand v. Cosby, No. 05-CV-1099

Dear Pat:

Your responses to *Plaintiff's Second Set of Interrogatories Directed to Defendant William H. Cosby, Jr.* in regard to the above referenced matter which were sent to you on March 27, 2006, are now overdue. In addition, it is our position that you have waived any objections to same, by not having filed any timely objections. Please advise when we may expect your responses.

Very truly yours,

Dolores M. Troiani

DMT:m

cc: Andrew D. Schau, Esquire

*****-COMM. JOURNAL-***** DATE MAY-15-2006 ***** TIME 14:43 *****

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-TROIANI/KIVITZ, LLP

*****-TROIANI/KIVITZ - ***** 6106888426- *****

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TO: Patrick J. O'Connor, Esquire
215-665-3701

cc:

FROM: Bebe H. Kivitz, Esquire
TROIANI/KIVITZ, L.L.P.
DATE: May 15, 2006
SUBJECT: Constand vs. Cosby CV-1099

Second request.

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TROIANI/KIVITZ, L.L.P.

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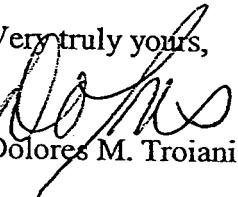
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Very truly yours,

Dolores M. Troiani

DMT:m

cc: Andrew D. Schau, Esquire

CERTIFICATE OF SERVICE

I hereby certify that on May 22, 2006, the undersigned were served in the following manner, a true and correct copy of : *Plaintiff's Motion to Compel Specific Responses and to Strike Defendant's Objections to Plaintiff's Second Set of Interrogatories.*

<u>NAME</u>	<u>MANNER</u>
Patrick J. O'Connor, Esquire Cozen O'Connor 1900 Market Street Philadelphia, PA 19103	Via First Class Mail
Andrew D. Schau, Esquire Patterson Belknap Webb & Tyler, LLP 1133 Avenue of the Americas New York, NY 10036	Via First Class Mail

*5/22/06
Bebe H. Kivitz
Dolores M. Troiani
Attn: Plaintiff's Motion to Compel Specific Responses and to Strike Defendant's Objections to Plaintiff's Second Set of Interrogatories
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By:

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